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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

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10 USA,
11 Plaintiff,
12 v.
13 ROWLAND MARCUS ANDRADE,
14 Defendant.

Case No. 20-cr-00249-RS-1

**ORDER DENYING MOTION TO
COMPEL**

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16 Of the twenty-five requests defendant Rowland Marcus Andrade (“Andrade”) initially
17 lodged in this motion to compel, only one—for production of the government’s legal instructions
18 to the grand jury—remains. *Compare* Dkt. 33, *with* Dkt. 40. Because such instructions constitute
19 “a matter occurring before the grand jury,” they presumptively are subject to Rule 6(e)’s secrecy
20 provisions. Fed. R. Crim. P. 6(e). Andrade’s request therefore cannot be granted absent a showing
21 of “particularized need.” *See Douglas Oil Co. of California v. Petrol Stops Nw.*, 441 U.S. 211, 228
22 (1979). Rather than making such a showing here, Andrade recites circumstances common to
23 many, if not most, federal defendants. *See generally* Dkt. 40 at 9 (noting that “the stakes are . . .
24 high” for Andrade, and that the government “may have . . . made erroneous statements during its
25 instructions to the grand jury”). The motion accordingly is denied.

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IT IS SO ORDERED.

United States District Court
Northern District of California

1 Dated: January 26, 2021
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RICHARD SEEBORG
United States District Judge

<< SHORT ORDER TITLE >>
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